# California Regional Water Quality Control Board
## North Coast Region
### William R. Massey, Chairman

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**Dan Skopec**
*Acting Secretary*

**Arnold Schwarzenegger**
*Governor*


April 18, 2006

Mr. Robert Franceschi
c/o Ms. Lisa Hulette
Gold Ridge RCD
2020 Barlow Lane
Sebastopol, California 95472

Dear Mr. Franceschi

Subject: Issuance of Clean Water Act Section 401 Certification (Water Quality Certification) for the Franceschi Ranch Restoration Project, Sonoma County

File: Franceschi Ranch Restoration Project, Sonoma County, WDID No. 1B05158WNSO

This Order by the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), is being issued pursuant to Section 401 of the Clean Water Act (33 USC 1341). On December 6, 2005, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Lisa Hulette of the Gold Ridge Resource Conservation District (RCD), on behalf of Mr. Robert Franceschi (Property Owner), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Franceschi Ranch Restoration Project, Sonoma County. The proposed project causes disturbances to waters of the state associated with a gully that drains surface water to the Estero de Americano Hydrologic Area No. 115.30.

Project Description: The proposed project is located in southwestern Sonoma County, on Ranch EA15, at 17400 Highway 1, Bodega, Sonoma County, California. The purpose of the project is to address sedimentation, riparian management, and water quality issues, which are key factors in reducing existing adverse impacts to the Estero. The proposed project is part of the Gold Ridge RCD's Estero de Americano Ranch Restoration Program for 2005-2006, which is funded by the Coastal Conservancy.

The proposed project involves stabilization of gully erosion on an active cattle ranch. A grassy waterway has eroded into a stockwater pond, and currently there is an active gully with high erosion potential. The gully is approximately 100-feet long, 15-feet wide, and 7-feet deep. The sediment that has eroded from the gully

has caused filling of a pond feature, and some of the sediment is being transported to the Estero de Americano. The Estero de Americano is on the Federal Environmental Protection Agency's Section 303(d) list for sediment impairment. The project has been designed to enhance the habitat values of, and reduce sediment input to the Estero.

Project activities involve laying back unstable banks of the gully to a 2:1 slope, and installing erosion control blankets and rock energy dissipaters. The overall project area will be revegetated with native species in three habitat reaches: wetland with multi-story native riparian vegetation, upland northern coastal scrub, and native grasses and trees. Exclusionary fencing will be installed to protect the restored area from livestock grazing impacts.

The proposed project is scheduled to take place between June 15 and October 15th, during the 2006 work season. Revegetation work will commence during the winter dormancy period. The plans call for a total of 460 riparian trees, small trees and shrubs to be planted within the work area.

The total area of impact will be approximately 0.1 acre of eroding gully. The project involves a balanced cut and fill of 130 cubic yards of soil cut, 130 cubic yards of soil fill, and 106 cubic yards of rock fill. Cut and fill quantities will be balanced to avoid import/export of bulk materials. The project will be monitored for a total of at least 3 years, to ensure success of the revegetation and stabilization efforts.

Prunuske Chatham, Inc. (PCI), conducted a Biological Impacts Evaluation and California Natural Diversity Database (CNDDB) Review for Ranch EA15 (Project Site), October 2005. According to the document prepared by PCI, CNDDB records indicated an occurrence of a special status plant community on the site, consisting of coastal brackish marsh. The proposed project is designed to help enhance downstream coastal brackish marsh habitat within the watershed, by helping reduce sedimentation from winter run-off.

No special status animal species were observed during the site visit PCI conducted. A single adult California red-legged frog (*Rana aurora draytonii*) was observed in a pool at the downstream end of the project reach on the adjacent ranch. The report recommended including measures in the project that would create a narrow band of native riparian plants along the gully and fenced grassland

habitat in the surrounding areas. These measures are included into the proposed project design.

Receiving Water: Waters of the state associated with a gully that drains surface water to the Estero de Americano Hydrologic Area No. 115.30.

Federal Permit: The project applicant has applied to the U.S. Army Corps of Engineers (ACOE) for a Clean Water Act Section 404 Nationwide Permit No. 27: Stream and Wetland Restoration (Pending).

State and Local Approvals: A 1602 Streambed Alteration Agreement Application has also been submitted to the California Department of Fish and Game (DFG) (Pending).

Filled or Excavated Area:

Total Area Impacted: 0.10 acres of waters of the state habitat
Area Temporarily Impacted: 0.10 acres
Area Permanently Impacted: 0.0 acres

Total Linear Impacts: 100.0 linear feet impacted
Length Temporarily Impacted (Restored): 100.0 linear feet
Length Permanently Impacted (Not Restored): 0.0 linear feet

Compensatory Mitigation Overview:

Total Mitigation Area: 0.0 acres
Wetland Created/Restored: 0.0 acres
Wetland Enhanced: 0.00 acre
Wetland Existing (Avoided): 0.00 acre

Total Linear Mitigation: 0.00 linear feet
Linear Stream Restored: 0.00 linear feet
Linear Stream enhanced: 0.00 linear feet

Compensatory Mitigation: Compensatory mitigation for this project was not proposed, because the project has been designed to be self-mitigating, and will result in improvements in water quality within the Estero, reduction in sediment transport to the Estero, and an overall improvement in aquatic and upland habitat. No direct impacts are anticipated from the implementation of the proposed project.

Noncompensatory Mitigation: Non-compensatory mitigation measures include the use of standard Best Management Practices (BMPs), for erosion control, as well as construction schedules that avoid wet periods. Project construction

will take place during the summer months. Temporary silt fencing, seeding and mulching, and other appropriate BMPs will be incorporated to minimize the risk of soil mobilization and sediment transport during construction. Permanent erosion control BMPs include hydraulic structures, rock armor, and permanent vegetation cover on the banks and within all disturbed areas. In addition, special precautions, including a pre-construction briefing of the work crew, will occur to avoid disturbance to any special status species potentially occurring on site.

Post Construction Storm Water Pollution Prevention: Not applicable.

CEQA Compliance: The Regional Water Quality Control Board, as the lead California Environmental Quality Act (CEQA) agency, has determined the project qualifies for Categorical Exemption, Class 33 – Section 15333 – Small Habitat Restoration Projects, pursuant to the CEQA guidelines. The Gold Ridge Resource Conservation District has prepared a Notice of Exemption, Class 33 – Section 15333 – Small Habitat Restoration Projects, pursuant to the CEQA guidelines (Resolution No. 05-1129-3).

Standard Conditions: Pursuant to Title 23, California Code of Regulations, Section 3860 (23 CCR 3860), the following three standard conditions shall apply to this project:

1) This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Section 13330 of the California Water Code and article 6 (commencing with section 3867) of Chapter 28, Title 23 of the California Code of Regulations (CCR 23) 23 CCR 3867.

2) This certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to subsection 3855(b) of Chapter 28, CCR 23 and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3) This certification is conditioned upon total payment of any fee required under Chapter 28, CCR 23 and owed by the applicant.

Additional Conditions: Pursuant to 23 CCR 3859(a), the applicant shall comply with the following additional conditions:

1) The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of grading work, with details regarding the construction schedule, in order to allow staff to be present on-site during construction, and to answer any public inquiries that may arise regarding the project.

2) No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this permit, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.

3) Best Management Practices for sediment and turbidity control shall be implemented and in place prior to, during, and after construction in order to ensure that no silt or sediment enters surface waters.

4) All fill material used on the site shall be clean and free of contaminants. A characterization report for all imported fill materials shall be provided to the Regional Water Board prior to the commencement of grading work.

5) A copy of this permit must be provided to the Contractor and all subcontractors conducting the work, and must be in their possession at the work site.

6) If flow is present at the time of construction, the project area shall be dewatered using a coffer dam system. A dewatering plan shall be prepared by the applicant, and submitted to the Regional Water Board prior to the commencement of work.

7) If, at any time, a discharge to surface waters occurs, or any water quality problem arises, the project shall cease immediately and the Regional Water Board shall be notified promptly.

8) Monitoring Requirements – Construction and restoration work shall be implemented as proposed in the application, and the monitoring shall follow the plan developed by Gold Ridge RCD, including:

A. The applicant shall monitor the overall restoration reach, and the re-vegetation areas on a semi-annual basis and prepare an annual report, including photo documentation, documenting the success of the overall restoration activities. The annual report shall be submitted to the Regional Water Board no later than December 31st of each monitoring year.

B. Turbidity monitoring, if flow is present, shall be conducted 50 feet upstream (background), 20 feet downstream, and 500 feet downstream of the work site while work is being conducted within the active channel. A minimum of four samples shall be collected during each working day, collected at two-hour intervals. Turbidity readings shall not exceed 20% over the background levels, as required by the North Coast Region Water Quality Control Plan (Basin Plan). The point of compliance is 500 feet downstream from the work area. In the event that turbidity measurements exceed 20% over background for two consecutive readings at the point of compliance, the Regional Water Board shall be contacted immediately, to discuss adaptive management techniques to abate turbidity releases.

9) Instream work shall not commence until June 15th and all work within the waterway shall be complete prior to October 15th.

10) This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter

and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the Project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the Project as described in this Order.

11) The Applicant shall provide photos of the completed work to the appropriate Regional Water Board staff person, in order to document compliance. The Applicant shall also provide photos of the completed work areas after the first significant rainfall event in order to ensure that erosion control has been successful.

Water Quality Certification:

I hereby issue an order [23 CCR Subsection 3831(e)] certifying that the authorized discharge from Franceschi Ranch Restoration Project (Facility No. 1B05158WNSO) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act [33 USC Subsection 1341 (a)(1)] , and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification (Enclosed).

Except insofar as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Regional Water Board's Water Quality Control Plan for the North Coast Region (Basin Plan).

Expiration: The authorization of this certification for any dredge and fill activities expires on October 16, 2011. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please notify John Short of our staff at (707) 576-2065 prior to construction (pursuant to Additional Condition No. 1 above) so that we can answer any public inquiries about the work.

Sincerely,

Catherine E. Kuhlman
Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ, General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification.

cc: Mr. Oscar Balaguer, SWRCB, 401 Program Manager, Clean Water Act Section 401 Certification and Wetlands Unit Program

Ms. Corine Gray, California Department of Fish and Game, Region 3, P.O. Box 47, Yountville, CA 94599

Mr. Philip Shannin, U.S. Army Corps of Engineers, Regulatory Branch, 333 Market Street, San Francisco, CA 94105